

REMARKS

This amendment is submitted in response to the Office Action mailed on 03 May 2005. Withdrawal of the rejection and reconsideration with an eye toward allowance is respectfully requested.

Applicant acknowledges that Claims 15, 20, and 22 are allowed prior to the entry of this amendment and that claims 2-14 and 16-19 were rejected. Applicant also acknowledges the claims objections relative to two claims, each incorrectly numbered as claim 2. The examiner has referred to the first instance of claim 2 as claim 2A and to the second instance of claim 2 as claim 2B.

Applicant has cancelled the second instance of Claim 2 (Claim 2B) to the extent that the examiner had entered the claim into the pending claim set, or alternatively has removed the second instance of Claim 2 (Claim 2B) from the pending claims list.

Applicant has amended the first instance of claim 2 (Claim 2A) to now include the limitation “; the step of protecting the second boot device comprising one of: (a) switching the second boot device to a state of unavailability; and (b) switching the second boot device to a read only state.” which limitation appears to the at least one of the reasons for the allowability of Claim 15. Applicant notes that the claims are now substantially the same but not duplicates of each other because Claim 2 requires “a second boot device” and claim 15 requires “a second hard disk drive boot device”. Applicant submits that Claim 2 (Claim 2A) is now in condition for allowance and requests same. Claims that had been dependent from Claim 2 (Claim 2A) are now amended to be dependent from Claim 15, and are also in condition for allowance.

Claim 20 was allowed and included the limitation that “wherein before the step of repairing software the following step is performed: offering a user a choice of thoroughness of repair selected from the set of repairs consisting of a quick repair that re-installs or copies

template software without first re-formatting, a better repair that performs a high-level re-format before that copy or re-installation of software, and a best repair that performs a low-level re-format before copying over or re-installing software.” Applicant has added a new claim as claim 23 which recites this same limitation; however, claim 23 is not a duplicate of claim 20 because claim 20 requires “a second hard disk drive boot device” while claim 23 requires “a second boot device”.

For business and economic reasons associated with product marketing and obtaining venture capital funding and without admitting the propriety of the prior-art rejection, Applicant has chosen not to argue for the patentability of independent Claim 2 and claims that had been dependent therefrom. Applicant reserves the right to pursue additional claims, including Claims 2-14, and 16-19 as they had been presented prior to amendment or in an alternative amended state in a related application.

Applicant has also made minor amendments to other of the claims that were of a clerical or grammatical type for reasons not related to patentability.

In light of these amendments, Applicant respectfully submits that all of the pending claims as now amended are in condition for allowance and requests such allowance.

Additional Comments

With these amendments and remarks, Applicant submits that all pending claims are in condition for allowance and requests allowance of same.

In view of the foregoing, Applicant respectfully submits that the application is now in condition for allowance. If any matters appear to be unresolved such as the examiner identifying claims that are not in condition for allowance and can be resolved by telephone, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

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Amdt. dated 3 October 2005
Reply to Office Action of May 5, 2005

While Applicant believes that no further fees are due at this time, the Commissioner is authorized to charge any fees that may be due as a result of filing this amendment, including additional claims fees not already paid for, fees for Extension of Time, or other fees that have not been separately paid, to Deposit Account 50-2319 (Order No. A-70543-3 (469217-3)).

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Applicants submit the claims are in condition for allowance, and notification of such is respectfully requested. If after review, the Examiner feels there are further unresolved issues, the Examiner is invited to call the undersigned at (650) 494-8700.

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Respectfully submitted,

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